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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,448	08/04/1998	RONALD L. MAHANY	DN37998XEA	4521

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EXAMINER

NGUYEN, TOAN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/129,448

Applicant(s)

MAHANY ET AL.

Examiner

Toan D Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-84 is/are pending in the application.
- 4a) Of the above claim(s) 76-84 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Newly submitted claims 76-84 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the ~~as~~ claimed is directed to a method and apparatus for requesting the data by the first access device from the second access device when the mobile is moved to the next cell which is classified in 370/331 or 455/436.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 76-84 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 51-52, 56-59, 61-66, 70-73 and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (U.S. Patent 6,259,898 B1).

For claims 51 and 62-63, Lewis discloses multi-communication access point comprising:
a plurality of access devices 19 supporting wireless communications among the plurality of computing devices 21 (figure 1, col. 3 lines 47-51);

at least one of said plurality of access devices 19 delivers data to the roaming terminal device 21 (figure 1, col. 3 lines 52-60); and

the at least one of the plurality of access devices 19 selectively stores the delivered data for subsequent delivery of the delivered data to the roaming terminal device (figure 2, col. 5 lines 13-25).

For claims 52 and 66, Lewis discloses wherein at least one of said plurality of access devices 19 selectively migrates processing resources to support future processing requests (figure 6, col. 8 lines 45-48).

For claims 56, Lewis discloses wherein the at least one of said plurality of access devices considers the frequency that data is requested before selecting which data to store (col. 6 lines 48-52).

For claims 57 and 71, Lewis discloses wherein the at least one of said plurality of access devices considers its available storage capacity before selecting which data to store (figure 2, col. 5 lines 13-20).

For claims 58 and 72, Lewis discloses wherein the at least one of said plurality of access devices considers the size of the data before selecting which data to store (figure 2, col. 5 lines 13-20).

For claims 59 and 73, Lewis discloses wherein the at least one of said plurality of access devices selectively deletes stored data (figure 4, col. 7 lines 24-27).

For claims 61, 70 and 75, the claims are directed to the same subject matter as in claim 56. Therefore, they are subject to the same rejection.

For claim 64, Lewis discloses wherein delivered data comprises data that is transmitted to and received by the roaming terminal device (col. 6 lines 26-40).

For claim 65, Lewis discloses multi-communication access point comprising:
supporting wireless communications among a plurality of computing devices 21 via a plurality of access devices 19, at least one of the plurality of computing devices comprising a roaming terminal device 21 (col. 6 lines 26-30), each of the plurality of computing devices comprising a wireless transceiver (col. 7 lines 1-5);

delivering data to the roaming terminal device 21 via at least one of the plurality of access devices 19 (figure 1, col. 3 lines 52-60); and

selectively retaining the delivered data for subsequent delivery of the delivered data to the roaming terminal device 21 via the at least one of the plurality of access devices 19 (figure 2, col. 5 lines 13-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 53-55, 60, 67-69 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Patent 6,259,898 B1) in view of Cowan (U.S. Patent 6,031,830).

For claims 53-55, 60, 67-69 and 74, Lewis does not disclose wherein the processing resources perform the function of decoding signals representative of two-dimensional images captured by a two-dimensional code reading device. In an analogous art, Cowan discloses wherein the processing resources perform the function of decoding signals representative of two-dimensional images captured by a two-dimensional code reading device (figure 6, col. 10 lines 1-5).

Cowan discloses further wherein at least one of said plurality of access devices selectively migrates program code (figure 11, col. 16 lines 6-14 as set forth in claims 54 and 68); wherein the at least one of said plurality of access devices considers the cost of re-obtaining data before selecting which data to store (col. 2 line 31 as set forth in claims 55 and 69); wherein the at least one of said plurality of access devices considers the cost to re-obtain the stored data before selecting what stored data to delete (col. 2 line 31 as set forth in claims 60 and 74);

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One skilled in the art would have recognized the processing resources perform the function of decoding signals representative of two-dimensional images captured by a two-dimensional code reading device to use the teachings of Cowan in the system of Lewis. Therefore, it would have been obvious to one of ordinary skill in the art at the time invention, to use the processing resources perform the function of decoding signals representative of two-dimensional images captured by a two-dimensional code reading device as taught by Cowan in Lewis's system with the motivation being to process the information and to store the information in the memory until the base station is able to transmit the information to its intended destination on the system backbone (col. 10- lines 5-9).

Response To Arguments

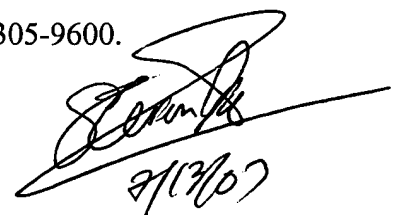
6. Applicant's arguments filed on May 05, 2003 have been fully considered, but are moot in view of the new ground(s) of rejection.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.



Handwritten signature and date 2/17/07

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